

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAVID and MARIANNE RIVERA,	:	
individually and on behalf of	:	HONORABLE JOSEPH E. IRENAS
all those similarly situated,	:	CIVIL ACTION NO. 09-021 (JEI/JS)
	:	
Plaintiffs,	:	<b>ORDER GRANTING DEFENDANTS'</b>
	:	<b>MOTIONS TO DISMISS AND</b>
v.	:	<b>GRANTING NUNC PRO TUNC</b>
	:	<b>DEFENDANT COUNTRYWIDE'S MOTION</b>
	:	<b>TO FILE AN OVERLENGTH REPLY</b>
WASHINGTON MUTUAL BANK;	:	<b>BRIEF</b>
COUNTRYWIDE HOME LOANS; and	:	(Docket Nos. 9, 13 & 15)
SHAPIRO & DIAZ,	:	
	:	
Defendants.	:	

**APPEARANCES:**

LAW OFFICE OF LEWIS G. ADLER  
By: Roger C. Mattson, Esq.  
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Counsel for Plaintiffs

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Counsel for Defendant Countrywide Home Loans

SCHWARTZ SIMON EDELSTEIN CELSO & ZITOMER, LLC  
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Morristown, New Jersey 07962  
Counsel for Defendant Shapiro & Diaz

**IRENAS**, Senior District Judge:

This matter appearing before the Court upon Defendant Countrywide Home Loan's ("Countrywide") Motion to Dismiss and Motion to File a Reply Brief in Excess of the Page Limit (Docket Nos. 9 and 13), and Defendant Shapiro & Diaz's Motion to Dismiss (Docket No. 15), the Court having considered the submissions of the parties, and for the reasons set forth in an Opinion issued on even date herewith, which findings of fact and conclusions of law are hereby incorporated herein by reference, and for good cause appearing,

**IT IS** on this 10th day of July, 2009,

**ORDERED THAT:**

- (1) Defendant Countrywide's Motion to file a reply brief in excess of the allotted page limit (Docket # 13) is hereby **GRANTED NUNC PRO TUNC** to the day of the brief's filing.
- (2) Defendant Shapiro & Diaz's Motion to Dismiss (Docket # 15) is hereby **GRANTED**.
- (3) Countrywide's Motion to Dismiss (Docket # 9) is hereby **GRANTED**.
- (4) Plaintiffs are hereby **GRANTED LEAVE** within 30 days of

the date of this Order, to file a Motion to Amend the Amended Complaint. The motion shall have attached to it the proposed Second Amended Complaint in its entirety. If no such motion is filed within the time allotted, the Court will direct the Clerk of Court to terminate this case.

s/ Joseph E. Irenas  
JOSEPH E. IRENAS, S.U.S.D.J.